

Type a plus sign (+) inside this box → ☐

PTO/SB/03 (3-97)  
Approved for use through 9/30/98. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PLANT PATENT  
APPLICATION (35 USC §161)  
DECLARATION**

☒ Declaration Submitted with Initial Filing OR ☐ Declaration Submitted after Initial Filing

Attorney Docket Number W-3948

First Named Inventor Gregory R. Smith

**COMPLETE IF KNOWN**

Application Number

Filing Date

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct variety of:

Pomegranate Tree

plant named: Pomegranate Tree Denominated Smith

which is claimed and for which a plant patent is sought, the specification of which

☒ is attached hereto OR ☐ was filed on (MM/DD/YYYY) as United States

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

☒ Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only if Priority Not Claimed	Certified Copy Attached? YES NO
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express Mail Label No. EL557780112US

Type a plus sign (+) inside this box → +

Approved for use through 9/30/98. OMB 0651-0032  
 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## DECLARATION – Plant Patent Application

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label here

Name	Registration Number	Name	Registration Number
Rodney K. Worrel	27,475		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number  OR ☒ Correspondence address below

Name	Worrel & Worrel				
Address	St. Croix Professional Center				
Address	2109 W. Bullard Avenue, Suite 121				
City	Fresno	State	CA	ZIP	93711-1258
Country	U.S.A.	Telephone	(559) 431-4391	Fax	(559) 431-4387

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:  ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])			Family Name or Surname		
Gregory R.			Smith		
Inventor's Signature				Date	10-16-98
Residence: City	Visalia	State	CA	Country	U.S.A.
Post Office Address	1449 S. Pinnacle				
Post Office Address	1449 S. Pinnacle				
City	Visalia	State	CA	ZIP	93292
				Country	U.S.A.

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Attorney's Docket No. W-3948**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☒ In re application of: Gregory R. Smith  
Group No.

Serial No.: 0 /

Examiner:

Filed:

For: Pomegranate Tree  
Denominated Smith

Issued :

☐ Patent No.:

*\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where submission is with respect to a maintenance fee payment also insert application serial number and filing date and mark Form Box M. Fee.*

**Commissioner of Patents**P.O. Box 1450  
Alexandria, VA 22313-1450**SUBMISSION OF VERIFIED STATEMENT(S) TO ESTABLISH  
SMALL ENTITY STATUS**

The attached statement is being submitted to establish small entity status in this

☒ application☐ patent

by the:

*(check all applicable boxes below)*

- a. ☒ independent inventor(s) 37 CFR 1.9(c) and 1.27(b)  
b. ☐ non-inventor supporting claim by another 37 CFR 1.9(c) and 1.27(b)

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450 Alexandria, VA 22313-1450Date: 10-30-03**Express Mail**Label No. EL557780112US**FACSIMILE**☐ transmitted by facsimile to the Patent and Trademark Office

Signature

Rodney K. Worrel*(type or print name of person certifying)*

(Submission of Verified Statement(s) to Establish Small Entity Status[7-11])

(Submission of Verified Statement(s) to Establish Small Entity Status[7-11])

- c. ☐ small business concern  
d. ☐ non-profit organization

37 CFR 1.9(d) and 1.27(c)

37 CFR 1.9(e) and 1.27(d)

  
SIGNATURE OF ATTORNEY

Reg. No. 27,475

Rodney K. Worrel

(Type or print name of attorney)

Tel. No. (559) 431-4391

St. Croix Professional Center  
2109 W. Bullard Avenue, Suite 121

(P.O. Address)

Fresno, California 93711-1258

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(b))—INDEPENDENT INVENTOR**

Docket Number (Optional)  
W-3948

Applicant or Patentee: Gregory R. Smith

Application or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

Title: Pomegranate Tree Denominated Smith

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.  
☐ Each such person, concern, or organization is listed below.

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Gregory R. Smith

NAME OF INVENTOR

*Gregory R. Smith*  
Signature of inventor

10-16-03  
Date

NAME OF INVENTOR

\_\_\_\_\_  
Signature of inventor

\_\_\_\_\_  
Date

NAME OF INVENTOR

\_\_\_\_\_  
Signature of inventor

\_\_\_\_\_  
Date

Burden Hour Statement: This form is estimated to take 0.3 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express Mail Label No. EL557780112US

Attorney's Docket No. W-3948**PATENT****COMBINED DECLARATION AND POWER OF ATTORNEY (PLANT PATENT APPLICATION)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought of the new and distinct variety of

Pomegranate Tree

the specification of which:

(a) ☒ is attached hereto.

(b) ☐ was filed on \_\_\_\_\_ as Application Serial No. 0 / \_\_\_\_\_ and was amended \_\_\_\_\_ (*if applicable*).

**AVERMENT UNDER 37 CFR 1.162**

I have asexually reproduced the new and distinct variety

☒ the new and distinct variety was found in a cultivated area*NOTE: This item must be checked where the plant is a newly found plant***ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

☒ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

*(complete (c) or (d))*(c) ☒ No such applications have been filed.(d) ☐ Such applications have been filed as follows:

Earliest Foreign Application(s), if Any Filed Within 12 Months Prior to Said Application				
Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed

  

All Foreign Application(s), if Any Filed More Than 12 Months Prior to Said Application				

### CONTINUATION-IN-PART

*(complete this part only if this is a continuation-in-part application)*

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

0 / _____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending abandoned)
0 / _____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending abandoned)

### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(List name and registration number)*

**Rodney K. Worrel; Registration No. 27,475**

(Plant Patent Application and Power of Attorney **[1-11]**—page 2 of 3)

(check the following item, if applicable)

- ☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives.

Send Correspondence To

Rodney K. Worrel  
WORREL & WORREL  
St. Croix Professional Center  
2109 W. Bullard Avenue, Suite 121  
Fresno, California 93711-1258

Direct Telephone Calls to:  
(name and telephone number)

Rodney K. Worrel  
(559) 431-4391

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of **sole or first inventor** Gregory R. Smith

Inventor's signature *Gregory R. Smith*

Date 10-16-03 Country of Citizenship U.S.A.

Residence 1449 S. Pinnacle, Visalia, California, 93292

Post Office Address 1449 S. Pinnacle, Visalia, California 93292

Full name of **second joint inventor**, if any N/A

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

**CHECK PROPER BOX(ES) FOR ANY ADDED PAGE(S) FORMING A PART OF THIS DECLARATION**

- ☐ Signature for third and subsequent joint inventors. Number of pages added \_\_\_\_\_
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

**If no further pages form a part of this Declaration then end this Declaration with this page and check the following item**

☒ This d larati n nds with thi pag